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56020	590 11/30/2005	11/30/2005		EXAMINER	
BRINKS HOFER GIBSON & LIONE / YAHOO! OVERTURE			TRUONG, CAM Y T		
P.O. BOX 103	95				
CHICAGO, II	. 60610		ART UNIT	PAPER NUMBER	
			2162		

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		09/922,090	CHEUNG ET AL.			
		Examiner	Art Unit			
		Cam Y T Truong	2172			
Period fo	The MAILING DATE of this communication ap or Reply	opears on the cover sheet with the	correspondence address			
THE   - External after - If the - If NO - Failur Any I	ORTENED STATUTORY PERIOD FOR REP MAILING DATE OF THIS COMMUNICATION nsions of time may be available under the provisions of 37 CFR 1 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a re period for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by statu reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be tiply within the statutory minimum of thirty (30) dad will apply and will expire SIX (6) MONTHS fror the, cause the application to become ABANDON	imely filed  ys will be considered timely.  In the mailing date of this communication.  ED (35 U.S.C. § 133).			
Status						
1)🖂	Responsive to communication(s) filed on 23.	June 2004.				
2a)⊠	This action is <b>FINAL</b> . 2b) This action is non-final.					
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
5)□ 6)⊠	Claim(s) 1-20 is/are pending in the applicatio 4a) Of the above claim(s) is/are withdra Claim(s) is/are allowed. Claim(s) 1-20 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/	awn from consideration.				
Applicati	on Papers					
	9)☐ The specification is objected to by the Examiner.					
10)	I0)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.					
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11)	Replacement drawing sneet(s) including the correct the correct to by the E	• • • • • • • • • • • • • • • • • • • •	•			
Priority ເ	ınder 35 U.S.C. § 119					
a)[	Acknowledgment is made of a claim for foreig  All b) Some * c) None of:  1. Certified copies of the priority documer  2. Certified copies of the priority documer  3. Copies of the certified copies of the priority application from the International Bures  see the attached detailed Office action for a lis	nts have been received.  Its have been received in Application on the documents have been received (PCT Rule 17.2(a)).	tion No red in this National Stage			
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	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)	4) ∐ Interview Summary Paper No(s)/Mail D				
3) 🔲 Inforn	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 r No(s)/Mail Date		Patent Application (PTO-152)			

## **DETAILED ACTION**

1. Applicant has amended claims 1-3, 5-7, 9, 14 and 19 in the amendment filed on 6/23/2004.

Claims 1-20 are pending in this Office Action.

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued that Davis does not teach "ordering search listings associated with a below-threshold account balance of an advertiser as if their bib amount was zero". Davis teaches that when account balance of the advertiser falls below the threshold, the advertiser may receive a warning to replenish the account before the account suspended meaning the advertiser's listings will no longer appear in search result list. Most preferably, the non-paid listings are considered to have a bid amount of zero and are therefore underneath the paid results. The above information shows that the search results are in order following bid amount that was zero. The search lists or the non-paid listings can be associated with a below-account of an advertiser (col. 14, lines 5-10; col. 5, lines 50-52).

For the above reason, examiner believed that rejection of the last office action was proper.

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## Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (or hereinafter "Davis") (USP 6269361) in view of Murcko, JR (or hereinafter "Murcko") (US 2003/0055743).

As to claim 1, Davis teaches the claimed limitation:

"receiving a search request having at least one search term over a network from a searcher" as each time an advertiser places a bid or a search enters a search query, the system generates a search result list (fig. 1, col. 13, lines 1015);

"retrieving a set of search listings from a search results database associated with the search term" as generating a search result list to an advertiser after entering search query (col. 13, lines 10-16);

"where a plurality of the search listings each have a bid amount associated with the search term" as a plurality of the search listings each have a bid amount such as 0.01, 0.10, 0.13 associated with car, auto and automobile (fig.9);

"the search listing is associated with an advertiser's account such that the advertiser's account is charged the bid amount if the search listing is selected from the set of search listings" as a search list is associated with an advertiser's account. The advertiser's account is deducted for

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each time the advertiser's web site is if the advertiser's list appears in search result list (col. 14, lines 5-10; 9, lines 4550);

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"determining an account balance for the advertiser's accounts where the account balance is the difference between charges assessed by the search engine and deposits from respective advertisers" as an advertiser's account comprises money amount that is deducted for each time a advertiser's web site is accessed. The account record 300 contains billing information 320 e.g., current balance, credit card information. The billing information contains data accessed when the advertiser selects the option to add money to the advertiser's account. In addition, certain billing information, such as the current balance, may trigger events requiring notification option. The audit trail section of an account contains a list of all events, wherein the account record is accessed by search engine. The above information shows that the system determines an account balance based on the difference between charges and deposits from advertisers (col. 9, lines 45-50; col. 12, lines 5-15);

"providing the ordered search result list to the searcher via the network" displaying a ranked search result list to a user via network (fig. 9);

"and assessing charges to the advertiser's account as a function of the searcher selection of the search listing" as deducting the advertiser's account for each time the advertiser's web site is accessed. Each time an advertiser places a bid or a search query, the rank value of an advertiser's search listing determines the placement location of the advertiser's entry in the search result listing generated. The above information means a function of the search selection of the search listing (col. 13, lines 10-15; col. 9, lines 45-50);

"ordering the search listings into a search result list in accordance with the values of bids amounts such that search listings having larger bid amounts are listed before smaller bid

amounts" as the process gathers all search listings that match a particular search term, sorts the search listings in order from highest to lowest bid amount (col. 18, lines 10-15);

"wherein search listings associated with advertisers whose account balances that are below threshold are ordered as if their bid amount for the search term was zero" as that when account balance of the advertiser falls below the threshold, the advertiser may receive a warning to replenish the account before the account suspended meaning the advertiser's listings will no longer appear in search result list. Most preferably, the non-paid listings are considered to have a bid amount of zero and are therefore underneath the paid results. The above information shows that the search results are in order following bid amount that was zero. The search list or the non-paid listings can be associated with a below-account of an advertiser (col. 14, lines 5-10; col. 5, lines 50-52).

Davis does not explicitly teach the claimed limitation "to prevent over delivery of the search listings associated with the advertisers whose account balances are below threshold and overcharging of competing advertisers".

Davis teaches the advertiser may receive a warning to replenish the account before the account suspended meaning the advertiser's listings will no longer appear in search result list. Most preferably, the non-paid listings are considered to have a bid amount of zero and are therefore underneath the paid results (col. 14, lines 5-10; col. 5, lines 50-52). Ganesan teaches the purchase price of the product is also transmitted from the point of purchase, typically with the identifying information. This information is received and processed at the central processing point to determine if the purchase price exceeds a threshold amount, such as a predetermined purchase price limit. The purchase price limit could, for example, represent a pre-established credit limit for the purchaser or the amount of funds on deposit in the purchaser's payment account (col. 6, lines 30-35).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Ganesan's teaching to Davis' system in order to provide a balance against which the user can charge purchase, fares, minimum balance and eliminate an over draft and to prevent return search result list of a advertiser.

As to claim 2, Davis teaches the claimed limitation "determining a reconciled balance for an advertiser's account via an accounting system, where the reconciled balance is the difference between credit card-based deposits and a set of current click charges" as (col. 5, lines 18-35).

"and ordering comprises ordering the search listings associated with advertisers with reconciled balances that are below a reconciled threshold as if their bid amount for the search term was zero" as (col. 14, lines 5-10, fig. 9).

As to claim 3, Davis teaches the claimed limitation "wherein determining a definitive balance for an advertiser's account, where the definitive balance is the reconciled balance adjusted for charges and deposits after those included in the reconciled balance" as the account record 300 contains billing information 320 e.g., current balance, credit card information, adding money to the advertiser's account. When the advertiser indicates the intent to allocate, a function is invoked by the system to determine whether there are funds pending in the current balance. An account instance is created and a pending current balance field is set from the persistent state. If there are no unallocated pending funds, the system may display the current available balance (col. 16, lines 1-55; col. 15, 35-45).

As to claim 4, Davis teaches claimed limitation "wherein the definitive balance is the reconciled balance less any new definitive click charges plus any new credit card charges and plus any

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new adjustments" as adding money transaction is displayed, showing a transaction number and a new current balance, reflecting the amount added by the just-completed credit card transaction (col. 15, lines 50-55).

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As to claim 7, Davis does not explicitly teaches the claimed limitation "determining a working balance for an advertiser's account, where the working balance is the definitive balance adjusted for any new non-definitive clickcharges" as the advertiser's listing is a paid listing. Each paid listing displays a cost to advertiser which is an amount corresponding to a price-per-click paid by the advertiser for each referral to the advertiser's site through the search result list. The amount bid by an advertiser comprises a money amount that is deducted from the account of the advertiser for each time the advertiser's web site is accessed via a hyperlink on the search list page. The search result list also includes non-paid listings that are not placed as a result of advertiser bids are generated by a conventional WWW search engine. This information implies that the system has included non-click charges (col. 9, lines 45-50; col. 10, lines 1-35).

 Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (or hereinafter "Davis") (USP 6269361) in view of Murcko, JR (or hereinafter "Murcko") (US 2003/0055743) and further in view Mann.

As to claim 8, Davis does not explicitly teach the claimed limitation "the threshold is zero dollars". Mann teaches his balance drops below a defined threshold i.e., when balance drops to zero (col. 10, lines 45-55).

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It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Mann's teaching of his balance drops zero to Davis' system in order to eliminate an overdraft.

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5. Claims 14-17, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Murcko, Jr (US 2003/0055743) in view of McGowan (US 6628954).

As to claim 14, Davis teaches the claimed limitations: "a search results database having a plurality of search listings, wherein each search listing is associated with a network location" as search result list is generated by as search engine having search lists via network (col. 12, lines 24-45);

"at least one search term and a modifiable bid amount that is independent of other components of the search listings, the bid amount being associated with at least one of the search term" as each search list corresponds to a bid on a search term (col. 12, lines 25-40), "and network location" as organize bids for multiple web sites (col. 12, line 30-35), "the bid amount corresponding to a money amount that is deducted from an account of network information provider associated with the network location upon receipt of a retrieval request for the network location" as the amount bid by an advertiser comprises a money amount that is deducted from the account of the advertiser for each time the advertiser's website is accessed via a click link on the search result list page (col. 9, lines 45-55):

"an account database that maintains account information associated with search listings" as an account record 300 in the database that maintain an account information associated with search list (col. 11, lines 60-67; col. 12, lines 1-20);

"an account monitoring system that monitors the accounts in the account database and determines an account balance for each account" as administrator monitors an advertiser

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account and determines an account balance for each advertiser' account (col. 11, lines 45-50; col. 12, lines 1-20);

"a search engine that generates an ordered search result list including at least one of the search listings from the search results database" as the search result list is arranged in order of decreasing bid amount, with the search listing corresponding to the highest bids displayed first to the searcher (col. 5, lines 3540).

"where the ordered search result list is ordered in accordance with the values of the respective bid amounts if the account balance determined by the account monitoring system is above a threshold" as the advertiser may elect to set a option to have the system send conventional electronic mail messages to the advertiser when the advertiser account balance fallen below a specified level. In this manner, the advertiser may receive a warning to replenish the account before the account suspended (meaning the advertiser's listings will no longer appear in search result list). Each time an advertiser places a bid or a search enters a search query. The process gathers all search listings that match a particular search term, sorts the search listings in order from highest to lowest bid amount. The above information shows that the advertiser's listings, which are sorted in order from highest to lowest bid amount, appear in search result list if the advertiser account balance falls above a specified level. This is level is represented as a threshold (col. 14, lines 2-10; col. 13, lines 10-15; col. 18, lines 10-15).

Davis does not explicitly teach the claimed limitation "determines payment status for each account, the payment status being one of On, Near Exceed, Exceed and Off, the payment status being determined according to one or more previously established rules for the account including number of near exceed days allowed, a near exceed amount, number of exceed days allowed, an exceed amount, number of shutoff threshold days, and shutoff amount, the

account monitoring system configured to send an automatic notification of the payment status for an account to the advertiser associated with the account".

Murcko teaches payment status for each user account (figs. 29 &30). McGowan teaches CP 212 may be additionally programmed to send an "in session" notification to subscriber unit 202 when the amount of resources in the subscriber's account is nearing or has reached a predefined threshold account balance (col. 7, lines 20-25).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Murcko's teaching of payment status for each user account and McGowan's teaching of CP 212 may be additionally programmed to send an "in session" notification to subscriber unit 202 when the amount of resources in the subscriber's account is nearing or has reached a pre-defined threshold account balance to Davis's system in order to maintain minimum balance, eliminate an over draft and to allow advertiser can monitor their accounts.

As to claim 15, Davis teaches the claimed limitation "wherein the account monitoring system includes an real-time click agent that determines click charges for searchers access to network sites associated the search listing in substantially real-time" as (col. 5, lines 55-67).

As to claim 16, Davis discloses the claimed limitation subject matter in claim 14, except the claimed limitation "wherein the account monitoring system includes an auto-charging agent that automatically charges a credit card account when the account balance is below a second threshold". Mann teaches that the system may be particularly desirable for the rider to arrange

for automatic charges to his credit card or bank account whenever his balance drops below a defined threshold (col. 10, lines 45-50).

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It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Mann's teaching of the system may be particularly desirable for the rider to arrange for automatic charges to his credit card or bank account whenever his balance drops below a defined threshold to Davis' system in order to provide a balance against which the user can charge purchase, fares.

As to claim 17, Davis discloses the claimed limitation subject matter in claim 14, except the claimed limitation "wherein the account monitoring system includes an auto-charging agent that automatically charges a credit card account on a periodic basis". Mann teaches automatic charges and scans control and accounting computer will process the charges through financial network (col. 10, lines 55-61).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Mann's teaching of automatic charges and scan control and accounting corrupter will process the charges through financial network to Davis's system in order to eliminate user's interact.

As to claim 19, Davis teaches the claimed limitation "the account monitoring system includes an search listing agent that updates the search results database when an account crosses a threshold and preferential placement in the search list is terminated for that search listing" as (col. 13, lines 10-20; col. 14, lines 1-20).

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As to claim 20, Davis does not explicitly teach the claimed limitation "wherein the account monitoring system includes a bulk adjustment agent that automatically adjusts account balances with a minimum charge when the chargeable event charges are below a threshold". However, Mann teaches that in the case of transit usage, it may be particularly desirable for the rider to arrange for automatic charges to his credit card or bank account whenever his balance drops bellow a defined threshold (col. 10, lines 45-50).

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It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Mann's teaching of in the case of transit usage, it may be particularly desirable for the rider to arrange for automatic charges to his credit card or bank account whenever his balance drops bellow a defined threshold to Davis's system in order to balance account and eliminate bankrupt.

 Claims 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (or hereinafter "Davis") (USP 6269361) in view of Ganesan and further in view of Pekowski et al (or hereinafter "Pekowski") (USP 6557007).

As to claim 5, Davis discloses the claimed limitation subject mater on claim 1, except the claimed limitation "determining an estimated definitive balance for an advertiser's account, where the estimated definitive balance is the definitive balance less an estimated amount of new definitive click charges". Pekowski teaches displaying a count summary balance \$2,369.77 and chargeable balance \$2,369.77 (fig. 34).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Pekowski's teaching of displaying a count summary balance \$2,369.77 and chargeable balance \$2,369.77 to Davis's system in order to allow a user to adjust his account balance.

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As to claim 6, Davis teaches claimed limitation "determining a monitoring balance for an advertiser's account" as the system keeps tracks the advertiser's payment history (col. 15, lines 35-40). Davis does not explicitly teach the claimed limitation "where the monitoring balance is smaller of the estimated definitive balance plus a credit limit and a remaining capital amount". Pekowski teaches displaying a count summary balance and chargeable balance (fig. 34).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Pekowski's teaching of displaying a count summary balance and chargeable balance to Davis's system in order to allow a user to adjust his account balance.

7. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (or hereinafter "Davis") (USP 6269361) in view of Ganesan and further in view of Williams et al (or hereinafter "Williams") (USP 5963924).

As to claim 9, Davis does not explicitly teach the claimed limitation "wherein the definitive click charges are click charges that have passed a fraud filter". Williams teaches the user double clicks on the payment image in the "Select Payment Method" Window. (108) GSO 570 (109). This indicates that the GSO is displayed to the consumer in the "Make Payment Authorization" screen. The above information shows that the system has included a filter to detect that the double clicks to display another payment screen not chargeable clicks (col. 16, lines 40-45). It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Williams's teaching of double clicks on payment image to Davis's system in order to eliminate double charge user's clicks.

As to claim 10, Davis discloses the claimed limitation subject matter in claim 9, except the claimed limitation "the fraud filter detects double clicks as non-chargeable clicks". Williams teaches hen the user double clicks on the payment image in the "Select Payment Method" Window. (108) GSO 570 (109). This indicates that the GSO is displayed to the consumer in the "Make Payment Authorization" screen. .The above information shows that the system has included a filter to detect that the double clicks to display another payment screen not chargeable clicks (col. 16, lines 40-45).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Williams's teaching of double clicks on payment image to Davis's system in order to eliminate double charge user's clicks.

As to claim 11, Davis discloses the claimed limitation subject matter in claim 10, except the claimed limitation "wherein the fraud filter detects multiple clicks on a search listing in a search list from a searcher as non-chargeable clicks" Williams teaches hen the user double clicks on the payment image in the "Select Payment Method" Window. (108) GSO 570 (109). This indicates that the GSO is displayed to the consumer in the "Make Payment Authorization" screen. The above information shows that the system has included a filter to detect that the double clicks to display another payment screen not chargeable clicks (col. 16, lines 40-45). It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Williams's teaching of the user double clicks on payment image to Davis's system in order to prevent hacker or crasher to access user's account.

As to claim 12, Davis discloses the claimed limitation subject matter in claim 10, except the claimed limitation "wherein the fraud filter detects multiple clicks on a search listing from a

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searcher during a session as non-chargeable clicks". Williams teaches hen the user double clicks on the payment image in the "Select Payment Method" Window. (108) GSO 570 (109) This indicates that the GSO is displayed to the consumer in the "Make Payment Authorization" screen after user enter password or during a session. The above information shows that the system has included a filter to detect that the double clicks to display another payment screen not chargeable clicks (col. 16, lines 40-45; figs. 31-32).

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It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Williams's teaching of the user double clicks on payment image after user enter user's password to Davis's system in order to eliminate double charge user's clicks and to allow a user pay for each click.

As to claim 13, Davis discloses the claimed limitation subject matter in claim 12, except the claimed limitation "the non-definitive click charges are click charges that have passed a real-time fraud filter and the definitive click charges are click charges that have passed a second fraud filter that uses data generated after a click charge is charged to determine if that click charge is fraudulent". Williams teaches that the system provides for secure transaction and a Make Payment Authorization screen to charge the consumer's order entry whenever consumer shops. Thus, the system has included filters to can determine fraudulent charges (col. 16, lines 40-50; col. 15, lines 55-65).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Williams's teaching of the system make a Make Payment Authorization to charge the consumer's order entry whenever consumer shops to Davis's system to avoid unauthorized payments.

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8. Claim 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (or hereinafter "Davis") (USP 6269361) in view of Murcko, Jr (US 2003/0055743) and McGowan and further in view of Williams et al (or hereinafter "Williams") (USP 5963924).

As to claim 18, Davis discloses the claimed limitation subject matter in claim 14, except the claimed limitation "the account monitoring system includes a CTP agent that accesses a fraud detection system to determine if any click charges are non-chargeable because the clicks associated with the click charges were fraudulent". However, Williams teaches that the system make a Make Payment Authorization to charge the consumer's order entry whenever consumer shops. Thus, the system can determine fraudulent charges (col. 16, lines 40-50; col. 15, lines 55-65).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Williams's teaching of the system make a Make Payment Authorization to charge the consumer's order entry whenever consumer shops to Davis's system to protect user's account balance and avoid unauthorized payments.

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## Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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**Contact Information** 

10. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Cam Y T Truong whose telephone number is (571) 272-4042. The

examiner can normally be reached on Monday to Firday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

John Breene can be reached on (571) 272-4107. The fax phone number for the organization

where this application or proceeding is assigned is (571) 272-8300.

Information regarding the status of an application may be obtained from the Patent Application

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Cam-Y Truong

1/5/2005

SHAHID ALAM